

REMARKS

Prior claims 25 and 27-30 were rejected as being indefinite under 35 U.S.C. § 112 for failing to particularly point out and distinctly claim the subject matter of the invention. In particular, it is asserted that the scope of those claims was indefinite or unclear because claim 25 is indefinite and claims 27-30 depend thereon. In this respect it is asserted that claim 25 recited a ‘tensioning apparatus for use with a door system’ indicating that only a tensioning apparatus is being claimed and the door system is not being positively recited. However, it is further asserted that later in the claim, the tool adapter is said to be “operatively interrelated” to the door system, which is a positive recitation of a tool adapter and door system combination, such that it is unclear whether the tensioning apparatus or the tensioning apparatus and the door system is being claimed.

It is submitted that claim 25, as amended herein, eliminates any possible lack of clarity as to the scope of this claim. The recitation regarding the tool adapter being “operatively interrelated” to the door system has been deleted. All remaining references in claim 25 to the door system components are inferential and thus not positive recitations. Accordingly, it is submitted that the indefiniteness rejection is overcome with the tensioning apparatus being the subject of the claims, as initially indicated.

Prior claims 25 and 27-30 were rejected under 35 U.S.C § 102(b) as being anticipated by Dorma, U.S. Patent No. 3,979,977 (hereinafter “Dorma patent”). In regard to claim 25, the Office communication indicates that any external portion of the housing 47 may be considered a stop, including the angled portions to the right side in Fig. 3. The internal portion of housing 47 is said to contain the gearing, motor, etc. seen in Fig. 5 that meets the limitation of “coupler.” The bolts 104 of Figs. 7-9 are said to constitute the “boss,” ostensibly of claim 30.

Independent claim 25, as amended, recites tensioning apparatus being a combination of a tool adapter and a detachable winding assembly. The tool adapter is adapted to be positioned at and engage an axial end of the counterbalance system. The detachable winding assembly has a coupler for engaging and rotating the tool adapter to adjust tension in the counterbalance system from a position axially outwardly of the counterbalance system and therefore laterally of the door. It is thus possible with applicants’ invention, as claimed, to adjust the tension in the counterbalance system independent of the position of

the door. Most significantly, the tension may be adjusted with the door in the open position where there is minimum tension in the counterbalance springs. This permits the use of the light-weight, compact winding assembly of the present invention and safer spring loading at much less than maximum tension.

In contrast, the Dorma patent permits tension adjustment only when the door is in the closed position with maximum tension in the counterbalance system springs. This is because the Dorma patent power apparatus 46 contacts the collars 41, 44 of the counterbalance springs that are located substantially medially of the counterbalance shafts and thus inaccessible when the door is in the open position. The Dorma patent arrangement also requires the elaborate high mechanical advantage gear train shown to develop the necessary torsional power. Thus, it is highly significant that the Dorma patent does not teach or in any way suggest the use of a tool adapter and particularly not a tool adapter that is adapted to be positioned at and engage an axial end of the counterbalance system.

Claim 25 also now recites the presence of a first gear of the coupler that rotatably couples the detachable winding assembly to the tool adapter. The Dorma patent power apparatus does not meet this limitation because a tool adapter as defined is not present in that only the collars 41, 44 of the counterbalance system are engaged.

Dependent claims 27-30, inclusive, also patentably distinguish over the Dorma patent due to the presence of additional features besides those present in claim 25. For example, claim 27 recites a second stop surface on an opposed side of the housing for engaging a tool adapter at an opposite end of the counterbalance system. The two embodiments in the Dorma patent each have only a single handle (see 51 and 132) projecting outwardly that might constitute a stop surface. Claim 28 recites the coupler as positioned between the first and second stop surfaces, which is not true in regard to the Dorma patent structural arrangement. Claims 29 and 30 deal with limitations placing the stop surfaces at an angle to each other and positioning a boss that as a result of the stop surfaces extends non-perpendicular to the door frame to enhance operational access with a driver or other tool. The Dorma patent does not have or suggest comparable structure.

In light of the above claim amendments and related comments, favorable action and a Notice of Allowance for claims 25 and 27-30 is earnestly solicited.

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Should the Examiner care to discuss any of the foregoing in greater detail, the undersigned attorney would welcome a telephone call.

Respectfully submitted,



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